

REGULAR MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
November 6, 1893. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, November 6, 1893, at 8 o'clock, in regular meeting.

Present, Hon Wm. H. Cooper, President of the Common Council, in the chair, and 20 members, viz: Messrs. Allen, Colter, Costello, Drew, Hennessy, Kaiser, Koehring, Krauss, Magel, Murphy, O'Brien, Puryear, Rauh, Ryan, Schmid, Shaffer, Stein, Stott and Young.

Absent, 1—viz: Mr. Merritt.

The Proceedings of the Common Council for the adjourned meeting held Thursday, October 19, 1893, having been printed and placed upon the desks of Councilmen, said Journal was approved as published.

The Clerk proceeded to read the Journal, whereupon Councilman Puryear moved that the further reading of the Journal be dispensed with.

Which motion prevailed.

COMMUNICATIONS, ETC., FROM MAYOR.

His Honor, the Mayor, presented the following communication:

To the President and Members of the Common Council:

Since my induction into office I have had little time to examine into the condition of the city's affairs and will not therefore attempt to communicate to you my views at length on matters pertaining thereto at this time. I will only touch briefly on the financial situation, leaving all other subjects for future communications.

The estimated expenses for the fiscal year ending August 31, 1894, as submitted by ex-Comptroller Woollen in September and approved by the outgoing Council, largely exceed those of former years, notwithstanding the tax levy was allowed to remain at the old rate—60 cents on \$100 of values.

In view of the fact that the city had been running behind for two or three years, until the temporary loans and deficiency accounts aggregated \$200,000, at the time our predecessors acted, it is hard to understand the financial theory on which the present levy was fixed.

The city treasury was much worse than empty on the day the present administration assumed control. While there was a stated balance of \$2,000 to the credit of the city in the Treasurer's hands, many matured bills remained unpaid, largely exceeding said balance. Beside the \$140,000 of temporary loan bonds outstanding, falling due this month, \$45,000 more had been advanced by the Treasurer against the taxes to be paid thereafter. And in addition to the foregoing, new discoveries or unpaid claims against the city are constantly coming to light, the last ones being \$1,800 rent due to Marion county for the rooms occupied by the city offices, and \$2,500 due the County Auditor for assessing city property.

Starting in \$200,000 behind in the current expense account, to say nothing of the great embarrassment growing out of the default of the outgoing administration in the payment of the \$600,000 of bonds which fell due July 1, presents a financial situation altogether more embarrassing than any that has ever before confronted an incoming administration in this city. It will largely devolve on you to relieve the city from its present embarrassments.

The other departments can assist you somewhat by reducing expenses. That they have already resolved and commenced to do. The services of many useless inspectors and employes can be dispensed with. A goodly number have already been dropped from the pay-rolls. More will follow. New rules will be adopted governing the purchase of supplies in the departments where large sums are expended, resulting as I hope, in material reductions in expenses, particularly in the Department of Public Safety. But with all the retrenchment that can possibly be introduced additional revenue must be provided during the present fiscal year.

The plan suggested by the retiring Comptroller is to issue and sell \$150,000 of ten-year bonds, thus adding to the city's permanent bonded debt to that extent. This would nearly exhaust the city's constitutional powers to create bonded indebtedness. For the present I can not recommend that plan of providing for these deficiencies, even though the present undesirable temporary loan system may have to be continued for another year or two.

Under the provisions of the charter special license fees may be imposed on certain classes of business for privileges enjoyed, some of which, at least, are perfectly fair. Of course no such license charges should be made burdensome, however. Even a small tax of this kind, as compared with similar license charges in other cities, will greatly relieve the present financial embarrassments, and I recommend this plan in preference to creating additional debts of either a temporary or permanent character.

Knowing that your members have already been giving special consideration to this subject, I submit the matter to you without further suggestions at this time.

Respectfully submitted,

C. S. DENNY,
Mayor.

Which was received and ordered spread on the minutes.

REPORTS FROM OFFICIAL BOARDS.

DEPARTMENT OF PUBLIC WORKS.
OFFICE OF THE BOARD,
INDIANAPOLIS, October 23, 1893. }

Hon. William H. Cooper, President Common Council, City of Indianapolis:

DEAR SIR—We herewith send to you, for the consideration and approval of your honorable body, an ordinance approving a certain contract, granting the Cleveland, Cincinnati, Chicago & St. Louis Railway Company the right to lay and maintain

certain switches, or side-tracks, across Dillon street, Lord street, Leota street, State street and English avenue in the City of Indianapolis, Indiana.

Very respectfully,

A. W. CONDUITT,
J. A. WILDMAN,
A. KRAMER,
Board of Public Works.

Which was read and referred to the Committee on Railroads.

REPORTS, ETC., FROM STANDING COMMITTEES.

Mr. Drew, on behalf of the Committee on Sewers, Streets and Alleys, to whom was referred

G. O. No. 54, 1893. An ordinance annexing certain platted territory to the City of Indianapolis.

Made the following report :

INDIANAPOLIS, November 6, 1893.

Mr. President :

Your committee to whom was referred G. O. No. 54, 1893, to annex certain territory, have considered the same and respectfully recommend that it be passed.

L. W. DREW,
GEO. W. SHAFFER,
WM. HENNESSY,
Committee on Sewers, Streets and Alleys.

Which was read and concurred in.

APPROPRIATION ORDINANCES.

The City Comptroller, through Councilman Rauh, introduced the following appropriation ordinance:

App. O. No. 14, 1893. An ordinance appropriating forty thousand dollars with which to pay temporary loans due November 15, 1893, and interest thereon.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be and is hereby appropriated out of the funds in the treasury of the City of Indianapolis the sum of forty thousand three hundred and ninety-one dollars and sixty-seven cents for the use of the Department of Finance. To pay temporary loans due November 15, 1893, the sum of forty thousand dollars. To pay interest on temporary loans above named, due November 15, 1893, the sum of three hundred and ninety-one dollars and sixty-seven cents.

SEC. 2. This ordinance shall take effect and be in force from and after its passage.

Which was read the first time.

Mr. Rauh moved that the constitutional rules be suspended for the purpose of placing App. O. No. 14, 1893, on its final passage.

Which motion was adopted by the following vote:

AYES 20—viz: Messrs. Allen, Colter, Costello, Drew, Hennessy, Kaiser, Koehring, Krauss, Magel, Murphy, O'Brien, Puryear, Rauh, Ryan, Schmid, Shaffer, Stein, Stott, Young, and President Cooper.

NAYS—None.

Thereupon App. O. No. 14, 1893, was read second time, ordered engrossed, read the third time, and passed by the following vote:

AYES 20—viz: Messrs. Allen, Colter, Costello, Drew, Hennessy, Kaiser, Koehring, Krauss, Magel, Murphy, O'Brien, Puryear, Rauh, Ryan, Schmid, Shaffer, Stein, Stott, Young and President Cooper.

NAYS—None.

The City Comptroller, through Councilman Rauh, introduced the following appropriation ordinance:

App. O. No. 15, 1893. An ordinance authorizing the City Comptroller to make a temporary loan or loans in anticipation of the revenue to be derived from the settlement of the City Treasurer on the third Monday of April, 1894.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the City Comptroller be and he hereby is authorized and empowered on behalf of the City of Indianapolis in anticipation of the revenue which will be derived by the city from the settlement of the City Treasurer on the third Monday in April, 1894, to make a loan or loans for any sum or sums not exceeding in the aggregate one hundred and fifty thousand dollars, maturing not later than the first day of May, 1894, and at the rate of interest not exceeding eight per cent. per annum. The said loan or loans to be made from time to time as in the opinion of the Comptroller the necessities of the city may require, and the Mayor and City Comptroller are hereby authorized and directed to execute the proper bonds or obligations of the said city for the amount so borrowed, and for the payment of such bonds or obligations the faith of said city is hereby irrevocably pledged.

SEC. 2. This ordinance shall be in full force and effect from and after its passage.

Which was read the first time.

On motion of Mr. Rauh, the constitutional rules were suspended for the purpose of placing App. O. No. 15, 1893, on its final passage.

Which motion was adopted by the following vote:

AYES 20—viz: Messrs. Allen, Colter, Costello, Drew, Hennessy, Kaiser, Koehring, Krauss, Magel, Murphy, O'Brien, Puryear, Rauh, Ryan, Schmid, Shaffer, Stein, Stott, Young and President Cooper.

NAYS—None.

Thereupon App. O. No. 15, 1893, was read second time, ordered engrossed, read the third time, and passed by the following vote:

AYES 20—viz: Messrs. Allen, Colter, Costello, Drew, Hennessy, Kaiser, Koehring, Krauss, Magel, Murphy, O'Brien, Puryear, Rauh, Ryan, Schmid, Shaffer, Stein, Stott, Young and President Cooper.

NAYS—None.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES,

Under this order of business the following entitled ordinances were introduced :

By Mr. Colter :

G. O. No. 55, 1893. An ordinance to increase the public revenue of the City of Indianapolis, Indiana, by requiring all retail dealers in intoxicating liquors to obtain and pay for license therefor; fixing the license fee to be paid to the City of Indianapolis by all persons hereafter or heretofore acquiring license from the Board of Commissioners of Marion county, Indiana, and from all other persons, to sell intoxicating liquors in the City of Indianapolis, or outside of the City of Indianapolis but within two miles of the corporate limits thereof; defining the terms "intoxicating liquors" and "retailer;" providing a penalty for the violation thereof; repealing conflicting ordinances; providing for the publication of the same, and fixing the time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That it shall be unlawful for any person, whether licensed by the Board of Commissioners of Marion county, Indiana, or not, to sell, barter or give away for any purpose of gain, any spiritous, vinous or malt liquor in a less quantity than a gallon at a time in the City of Indianapolis, or outside of the City of Indianapolis, but within two miles of the corporate limits thereof, without having first procured a license from the City Comptroller so to do as hereinafter provided; nor shall any person or retailer of intoxicating liquors under the provisions of this ordinance sell, barter or give away such liquor without having procured such license; nor shall any person, without having first procured such license, sell, barter or give away any intoxicating liquor to be drunk, or suffered to be drunk in his house, out-house, yard, garden or the appurtenances thereto belonging.

SEC. 2. The words "intoxicating liquors" shall apply to any spiritous, vinous or malt liquor, or to any intoxicating liquor whatsoever, which is or may be used as a beverage, and the word "retailer" as applied to dealers in and venders of intoxicating liquors, shall include any dealer in or vender of such liquor under United States Government retail tax, and any person having procured an Internal Revenue retail liquor license, or having paid the United States special stamp tax as required for retailers of such liquors under Internal Revenue statutes, shall be deemed a retailer within the provisions of this ordinance, and shall procure a license according to the provisions hereof; and upon sale of such intoxicating liquors, in any quantity whatsoever, by such person, without having first been licensed according to the provisions of this ordinance he shall, without further proof, be deemed a retailer of such liquors and shall suffer the penalty hereinafter provided: *Provided, however,* That nothing contained in the provisions of this ordinance shall be construed to apply to any person or persons having paid the United States retailers' special stamp tax, who shall have also procured a United States wholesa'le liquor license, or special stamp tax, and who shall not sell such liquors in quantities less than a gallon at a time.

SEC. 3. Before any person is permitted to sell, barter or give away any spiritous, vinous, malt or intoxicating liquors in any less quantity than a gallon at a time, in the City of Indianapolis, or outside of the City of Indianapolis, but within two miles of the corporate limits thereof, he shall pay to the City Treasurer for the use of said city the sum of \$250, and upon the presentation of the Treasurer's receipt for that amount to the City Comptroller, said Comptroller shall, if the said applicant be a person twenty-one years of age, and a voter of said city, issue to such person a city license to sell liquor within such city, at the place designated by such applicant at the time, for the period of one year.

SEC. 4. Said City Comptroller shall keep a register of the names of all persons receiving from said Comptroller such license, with the date when issued and the ex-

piration of the same, which said date of expiration shall be the same as fixed in the said license so granted by the Board of Commissioners of Marion county, Indiana, also the name of the street or location where such person conducts his said business For all which service said Comptroller shall be entitled to a fee of \$1, to be paid by the person receiving such license: *Provided*, That such license shall not be transferable, nor shall it authorize any sales on other premises than those designated as aforesaid.

SEC. 5. It shall be unlawful for any person, whether licensed by the Board of Commissioners of Marion county, Indiana, or not, or for any other person, directly or indirectly, to sell, barter or give away any spiritous, vinous, malt or intoxicating liquors in any less quantity than a gallon at a time, in the City of Indianapolis, or outside of the City of Indianapolis, but within two miles of the corporate limits thereof, without first having procured from the City Comptroller of said city a license so to do, as hereinafter provided; nor shall any person without first having procured such license, sell, barter or give away any intoxicating liquors to be drunk or suffered to be drunk in his house, outhouse, yard, garden or appurtenances thereto, belonging in said City of Indianapolis, or outside of said City of Indianapolis, but within two miles of the corporate limits thereof. Any person who shall violate any of the provisions of this ordinance shall, upon conviction, be fined in any sum not exceeding \$100, to which may be added imprisonment for any period of time not exceeding thirty days, and each day's continuance in the violation of any of the provisions of this ordinance shall constitute a separate offense.

SEC. 6. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed: *Provided, however*, Nothing herein shall be construed to rescind or make void unexpired licenses heretofore issued under existing valid ordinances, but the same shall remain in force for the term for which they were issued, and as to such licenses, the ordinance or ordinances under which they were issued shall remain in full force and effect, including the penalties for violation thereof, until the expiration of such licenses. *And provided, further*, That if it is necessary under Section 3 of this ordinance, in order to comply with the provisions thereof respecting the date of expirations of licenses hereunder, to issue any license for less than one year, the license fee for such fraction of year shall have the same proportion to the annual license fee in said section named as the period for which the license is issued bears to the period of one year.

SEC. 7. This ordinance shall take effect and be in force from and after its passage and publication once each week for two consecutive weeks in *The Indianapolis Sentinel*, a daily newspaper of general circulation printed and published in the City of Indianapolis, County of Marion, and State of Indiana.

Which was read the first time and referred to the Committee on Finance.

By Mr. Kaiser:

G. O. No. 56, 1893. An ordinance to change the name of Young street to Olive street.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That pursuant to the authority vested by Section 23 of the act approved March 6, 1891, commonly called the City Charter, that the name of Young street, the same being the name of the street which begins at Cypress street and extends south one square, the same being a continuation of Olive street, all in the City of Indianapolis, be and the same is hereby changed to Olive street.

SEC. 2. This ordinance shall take effect and be in force from and after its passage.

Which was read the first time and referred to the Committee on Sewers, Streets and Alleys.

By Mr. Krauss:

G. O. No. 63, 1893. An ordinance to establish stands for express wagons; regulating the use of the same; providing a penalty for the violation thereof; repealing conflicting ordinances; providing for the publication of the same, and fixing the time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That stands for the express wagons be established in the following places, to-wit:

1. Along the center line of Missouri street, beginning at a point ten feet north of the sidewalk along the north side of Washington street, extending north to a point within ten feet of the sidewalk along the south side of Market street; also along the center line of Missouri street, beginning at a point ten feet south of the sidewalk along the south side of Washington street, extending south to a point ten feet north of the sidewalk along the north side of Maryland street.

2. On the north side of Maryland street, from a point commencing ten feet east of the sidewalk along the east side of Delaware street, extending east to a point within ten feet of the sidewalk along the west side of Alabama street; on the west side of Alabama street, from a point commencing ten feet north of the north sidewalk along Washington street, extending north to a point within ten feet of the sidewalk along the south side of Market street.

3. On the west side of Alabama street, beginning at a point ten feet south of the sidewalk along the south side of Washington street, extending south to a point within ten feet of the sidewalk along the north side of Georgia street, excepting the spaces occupied by Maryland street and sidewalk crossings and ten feet on either side thereof; in the center of South Pennsylvania street, beginning at a point ten feet south of the sidewalk along the south side of Maryland street, extending south to a point within ten feet of the sidewalk along the north side of South street, excepting, however, the spaces occupied by cross street and sidewalk and ten feet on either side thereof.

Provided, however, That in the use of the places above mentioned, express wagons or the teams attached thereto shall not be allowed to stand closer than within ten feet of each other, nor shall the expressmen, or men who are the owners, or drivers, or in charge of such express wagons, be allowed to congregate in one place, nor shall more than two of such persons be or remain with each wagon.

SEC. 2. It shall be unlawful for any person to stand an express wagon at any other place in said city than at the above described stands, unless such person is standing at such place pursuant to an order already had to deliver or receive goods.

SEC. 3. It shall be unlawful for any person occupying any part of such stands to allow manure or other filth to accumulate at the place or places so occupied by such person, but it shall be the duty of such person to keep such part of any such stand at all times clean and free from offal or filth of every description. The Board of Health of said city shall have power to order any person using said stands or any part thereof, to clean the same, and it shall be the duty of the person so notified to immediately obey said notice. It shall be the further duty of any such person so occupying any part of said stand, to remove away from the same whenever requested so to do by any person who shall desire to occupy the same temporarily for the purpose of delivering or receiving any persons or merchandise.

SEC. 4. It shall be unlawful for any person occupying any of the stands designated in Section 1 of this ordinance to congregate in one place or to use loud, profane, boisterous or obscene language, or to obstruct or blockade any sidewalk, or to leave their express wagon for the purpose of soliciting trade a greater distance than ten feet.

SEC. 5. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be fined in any sum not exceeding twenty-five dollars, to which may be added imprisonment for a period not exceeding thirty days.

SEC. 6. All ordinances or parts of ordinances, in conflict herewith, are hereby repealed.

SEC. 7. This ordinance shall be in full force and effect from and after its passage and publication one day each week for two consecutive weeks in *The Indianapolis Sentinel*, a daily newspaper printed and published in said city.

Which was read the first time and referred to the Committee on Sewers, Streets and Alleys.

By Mr. Rauh :

G. O. No. 58, 1893. An ordinance prescribing the penal sums for the official bonds of the City Comptroller, the Deputy City Comptroller, the City Civil Engineer, the heads of the Department of Public Safety, and the Department of Public Health and Charities, the Clerks of the Board of Public Works, the Board of Public Safety, and the Board of Public Health and Charities, and the Deputy City Attorney, and providing for the taking effect of said ordinance.

WHEREAS, It is provided by the act of the General Assembly of the State of Indiana, entitled "An act concerning incorporation and government of cities having more than one hundred thousand population according to the last preceding United States census, and matters connected therewith, and declaring an emergency," approved March 6, 1891, and particularly by Section 6 thereof, that certain officers of cities of the description named in the title of said act, and which description includes the City of Indianapolis, Indiana, shall each execute a bond with surety, to be approved by the Mayor, payable to such city in such penal sum as the Council may enact by ordinance covering such cases, conditioned for the faithful performance of the duties of his office, and the payment of all moneys received by him as such officer to the proper person, such bond to be filed with the head of the Department of Finance; now, therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the penal sums for the bonds to be filed by the following named officers of said city pursuant to said statute, are fixed and prescribed as follows:

The bond of the City Comptroller shall be in the penal sum of twenty-five thousand dollars; the bonds of the Deputy City Comptroller, the City Civil Engineer and the heads of the Department of Public Safety shall each be in the penal sum of five thousand dollars; the bonds of the heads of the Department of Public Health and Charities, the Clerks of the Board of Public Works, the Board of Public Safety, and the Board of Public Health and Charities, shall each be in the penal sum of two thousand dollars; and the bond of the Deputy City Attorney shall be in the penal sum of one thousand dollars.

All of said bonds shall be made payable to the City of Indianapolis, Indiana, and filed pursuant to said statutes.

SEC. 2. This ordinance shall be in force from and after its passage.

Which was read first time.

On motion of Mr. Rauh the constitutional rules were suspended for the purpose of placing G. O. No. 58, 1893, on its final passage.

Which motion was adopted by the following vote:

AYES 20—viz: Messrs. Allen, Colter, Costello, Drew, Hennessy, Kaiser, Koehring, Krauss, Magel, Murphy, O'Brien, Puryear, Rauh, Ryan, Schmid, Shaffer, Stein, Stott, Young and President Cooper.

NAYS—None.

Thereupon G. O. No. 58, 1893, was read second time, ordered engrossed, read the third time, and passed by the following vote:

AYES 20—viz: Messrs. Allen, Colter, Costello, Drew, Hennessy, Kaiser, Koehring, Krauss, Magel, Murphy, O'Brien, Puryear, Rauh, Ryan, Schmid, Shaffer, Stein, Stott, Young and President Cooper.

NAYS—None.

By Mr. Rauh:

G. O. No. 59, 1893. An ordinance to repeal General Ordinance No. 9, 1893, entitled "An ordinance to provide for the appointment of an Inspector of Plumbing and House Drainage, prescribing his qualification, power and duties, and to prescribe the mode and manner of house drainage and plumbing in the City of Indianapolis; prescribing penalties for the violation thereof; providing for the publication of the same, and fixing the time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, in Marion county, in the State of Indiana, That General Ordinance No. 9, 1893, entitled "An ordinance to provide for the inspection of plumbing and house drainage, prescribing his qualification, power and duties, and to prescribe the mode and manner of house drainage and plumbing in the City of Indianapolis; prescribing penalties for the violation thereof; providing for the publication of the same and fixing the time when the same shall take effect," be and the same is hereby repealed

SEC. 2. This ordinance shall be in full force and effect from and after its passage

Read first time and referred to the Committee on Public Health.

By Mr. Rauh:

G. O. No. 60, 1893. An ordinance to license and regulate pawn-brokers; defining and declaring who shall be deemed pawn-brokers; fixing the license fee therefor; providing for the keeping of lists and descriptions of articles pledged or deposited with pawn-brokers; for the inspection of such lists and articles; the registering of the names and residences of depositors, and prescribing penalties; also providing for the publication of said ordinance and the time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That it shall be unlawful for any person to engage in or continue in the business of a pawn-broker in said city, unless such person shall have first paid the license fee to the City Treasurer and procured the license as a pawn-broker as in this ordinance prescribed. Every person whose business it is to take or receive by way of pledge, pawn, or exchange, any goods, wares or merchandise, or any kind of personal property whatsoever, as a security for the repayment of money lent thereon, or who purchases personal property or choses in action, on condition of selling the same back again at a stipulated price, is hereby defined and declared a pawn-broker, and shall pay to the City Treasurer an annual license fee of two hundred dollars.

SEC. 2. It shall be the duty of the City Comptroller, upon the presentation of the treasury certificate showing the payment of said fee into the city treasury, to issue to the person entitled thereto the license applied for. Such license shall be designated pawn-broker license. Said license shall bear the date from January first each year, and no reduction shall be made for any part of the year already elapsed at the time of making the application for said license: *Provided, however,* That upon all licenses issued for the remainder of the year, expiring December 31, 1893, a pro rata reduction for the time elapsed shall be made.

SEC. 3. The person so licensed shall keep a correct list and description in a book for that purpose of all articles pledged or deposited with him or on which advances of money have been made, or which may be purchased by him, which list and description shall at all times be open to the inspection of the Chief or Superintendent of Police, or of a public officer deputed by him to make such inspection, and he shall at all times when required by the police officer or Superintendent or Chief of Police aforesaid, produce and show any article so listed and described which may be in his possession, and he shall also register in such book the name and place of residence of the depositors and time when the deposits were made.

SEC. 4. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars, to which may be added imprisonment not to exceed thirty days.

SEC. 5. This ordinance shall be in full force and effect from and after its passage and publication one day each week for two consecutive weeks in *The Indianapolis Sentinel*, a daily newspaper, printed and published in the City of Indianapolis.

Which was read first time and referred to Committee on Finance.

By Mr. Young :

G. O. No. 61, 1893. An ordinance providing for a license upon vehicles drawn upon the streets of the City of Indianapolis, Indiana ; regulating the construction and dimensions of tires to be used on such vehicles, and providing penalties for the enforcement of the same ; also, for the publication thereof, and the date when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the owners of all vehicles used upon the streets of the City of Indianapolis shall pay annually license fees as follows, viz :

1. On each wagon or truck used for hauling boilers, engines, machinery, safes or stone, and drawn by four or more horses, twenty dollars.

2. On each wagon or truck used as above and drawn by two horses, fifteen dollars.

3. On each wagon or truck used for hauling brick or ice and drawn by two horses, eight dollars.

4. On each omnibus drawn by four horses, ten dollars.

5. On each omnibus drawn by two horses, eight dollars.

6. On each tally-ho drawn by four horses, ten dollars.

7. On each tally-ho drawn by two horses, eight dollars.

8. On each wagon drawn by four horses, and not used in the manner specified in clause 1, eight dollars.

9. On each wagon or cart drawn by two horses, five dollars.

10. On each wagon or cart drawn by one horse, three dollars.

11. On each dray or truck drawn by two horses, eight dollars.

12. On each dray or truck drawn by one horse, five dollars.

13. On each furniture car drawn by two horses, seven dollars.

14. On each furniture car drawn by one horse, four dollars.

15. On each sprinkling cart drawn by two horses, eight dollars.

16. On each sprinkling cart drawn by one horse, five dollars.

17. Hacks, or hackney carriages, cabs, barouches, buggies or driving carts, surreys and all pleasure vehicles using the streets :

18. On each hack or hackney carriage drawn by two horses, six dollars.

19. On each barouche, coupe, rockaway or surrey wagon drawn by two horses, five dollars.

20. On each cab drawn by one horse, three dollars.

21. On each barouche drawn by one horse, three dollars.

22. On each four passenger surrey drawn by one horse, two dollars.

23. On each driving cart drawn by one horse or pony, two dollars.

24. On each buggy, two dollars.

25. On each sulky, two dollars.

26. On each push or hand cart used in peddling, two dollars.

27. On each bicycle, except those used by children under fourteen years of age, one dollar.

28. On each one-horse vehicle, not before mentioned, three dollars.

29. On each two-horse vehicle, not before mentioned, five dollars.

30. On each three-horse vehicle, not before mentioned, six dollars.

31. On each four-horse vehicle, not before mentioned, eight dollars.

SEC. 2. All vehicles used exclusively for bringing to market any produce or provisions of the owner's own raising, or owned by persons engaged as gardeners, fruit growers or florists, or to any person or persons living without said city, engaged in huckstering and marketing produce into or from said city, or to persons engaged in farming, gardening or huckstering, hauling goods or merchandise to or out of said city in any buggy or carriage, or any dairyman, or manufacturer of brick, and all persons engaged in selling ice, living without said city, shall pay license fee upon their vehicles used upon the streets of said city as follows, viz :

1. On each one-horse wagon, three dollars.
2. On each two-horse wagon, five dollars.
3. On each four-horse wagon, eight dollars.
4. On each two-horse wagon used for hauling brick or ice, eight dollars; and on each four-horse wagon for either such purposes, twelve dollars.

Provided, That any person residing without said city, and conducting a business in said city, and going to and from his business by any vehicle, shall pay the license fee as stipulated herein.

SEC. 3. That any person included in the provisions of this ordinance desiring to use the streets of said city, shall pay or cause to be paid to the City Treasurer for each vehicle, the license fee as herein provided, and take his receipt therefor, and upon presentation of said receipt to the City Comptroller, said City Comptroller shall issue a license to the owner of said vehicle. It shall be unlawful for any person or persons owning any vehicle included in the provisions of this ordinance, to use the streets of said city without first securing a license as herein provided.

SEC. 4. There shall be placed and kept conspicuously in view, on every vehicle mentioned in this ordinance, the registered number of such vehicle, so that the same can be easily read from the sidewalk. Such number shall be in plain, distinct and legible figures, each plate to be not less than one, two or three inches in width, and placed on each vehicle in the following manner:

1. On drays and carts the number shall be cast or painted on metallic plates and placed on the outer side of the right shaft, three inches in front of the bed or body of the dray or cart.

2. On wagons the number shall be cast or painted on metallic plates and placed on the hind axle, or, where a body is used on said wagon, said number shall be placed on the right outer side thereof.

3. On buggies, wagons or furniture cars the number shall be cast or painted on metallic plates on the right outer side of the body.

4. On carriages or cabs that occupy stands, the numbers shall be painted on the outer glass of the lamps in red letters, not less than two inches in length, and on omnibusses the number shall be placed on some conspicuous place on the right outer side of the body thereof, so that it can be easily read from the sidewalk.

5. On private carriages, barouches and buggies the number shall be cast or painted on neat metallic plates and placed upon said vehicles upon the spring bar or rear end of said vehicle, or, owners of vehicles, so desiring it, may place the number plates on the outer side of the trace of the off horse, not more than ten inches from the collar of the horse, the same to be kept conspicuously in view. The City Comptroller shall provide plates as herein indicated and issue them with each license without charge other than the license fee.

6. Painting or covering over the plates, or placing the plate upon any other vehicle than the one for which the same was issued, except as hereinafter provided, shall be deemed a misdemeanor, and, on conviction, the owner of the vehicle shall be fined as provided in Section 9 of this ordinance. A copy of this section shall be furnished by the Comptroller to each and every person taking out a license under the provisions of this ordinance: *Provided*, Any person or persons, who shall be the owner or owners of more than one vehicle belonging to either class aforesaid, and who shall use but one of said vehicles at any one time upon the streets of said city, and who shall have complied with the provisions of this ordinance, and, in accordance therewith, paid the license fee under said classification, shall be permitted to place the number of said license upon the harness of the horse or horses intended to be used in connection with said vehicles, and a registered number of a higher grade may be used on or for a vehicle of a lesser amount by the same person: *And provided further*, That all vehicles belonging to the City of Indianapolis, or claiming as exempt from license by reason of being in the service of the city, shall have the word "City" painted on both sides of the outside of the bed or body of said vehicle.

SEC. 5. Every hack, carriage or cab, when driven at night, shall have fixed on some conspicuous part of the outer side thereof, two lighted lamps with plain glass front and sides, on which shall be painted in red and legible figures, at least two inches long, the registered number thereof. All omnibuses, when driven in the

night, shall have lighted lamps or candles inside thereof, with the number of said license painted in red and legible figures, at least two inches long, in the front of said lamp or light.

SEC. 6. This ordinance shall in no manner affect the license fees as now paid the city by different lines of business under the existing laws and ordinances, but shall be paid in addition to any license fee or charge now required under ordinances heretofore enacted.

SEC. 7. That the funds derived from the license herein provided for shall be applied only to the maintenance and repair of the streets and alleys of the City of Indianapolis.

SEC. 8. That all vehicles to be used upon the streets of the City of Indianapolis manufactured after the first day of January, 1894, must be provided with tires of the following dimensions, to-wit:

IRON AND STEEL AXLES.

A one and one-fourth-inch axle of steel or iron must have a tire at least one and one-eighth inches wide.

A one and three-eighths-inch axle of steel or iron must have a tire at least one and one-fourth inches wide.

A one and one-half-inch axle of steel or iron must have a tire at least one and one-half inches wide.

A one and five-eighths-inch axle of steel or iron must have a tire at least one and five-eighths inches wide.

A one and three-fourths-inch axle of steel or iron must have a tire at least one and three-fourths inches wide.

A one and seven-eighths-inch axle of steel or iron must have a tire at least two inches wide.

A two-inch axle of steel or iron must have a tire at least two inches wide.

A two and one-eighth-inch axle of steel or iron must have a tire at least two and one-fourth inches wide.

A two and one-fourth-inch axle of steel or iron must have a tire at least two and one-fourth inches wide.

A two and one-half-inch axle of steel or iron must have a tire at least two and one-half inches wide.

A two and three-fourths-inch axle of steel or iron must have a tire at least two and three-fourths inches wide.

A three-inch axle of steel or iron must have a tire at least three and one-fourth inches wide.

A three and one-half-inch axle of steel or iron must have a tire at least three and one-half inches wide.

A four-inch axle of steel or iron must have a tire at least five inches wide.

WOODEN AXLES.

Wagons, drays, dump carts and other vehicles having axles of wood shall have a width of tire as follows:

A three and one-fourth-inch axle of wood must have a tire one and three-fourths inches wide.

A three and three-fourths-inch axle of wood must have a tire two inches wide.

A four and one-half-inch axle of wood must have a tire two and one-fourth inches wide.

A four and three-fourths-inch axle of wood must have a tire two and one-half inches wide.

A five-inch axle of wood must have a tire two and three-fourths inches wide.

A five and one-half-inch axle of wood must have a tire three and one-half inches wide.

A six-inch axle of wood must have a tire four inches wide.

Each truck used for hauling boilers or engines, safes or dimension stone, shall have tires at least five inches wide; drays shall have tires four inches wide.

All vehicles having axles less than one and one-fourth inches wide shall not be subject to or governed by the provisions of this ordinance as far as the width of tire

is concerned. It shall be the duty of the police to examine the license plates of the vehicles and to report to the Comptroller all parties, giving number of plate, who are violating this section in regard to the width of tires.

SEC. 9. It shall be the duty of all livery and boarding-stable keepers to report to the City Comptroller the number and kinds of vehicles (subject to license) in their stables on the last day of January of each year, together with the names of the owners thereof, said report to be made between the 1st and 15th days of January of each year; and on and after the 30th day of January of each year, there shall be added to all unpaid license fees, and collected together with such license fees, a penalty of one hundred per cent. in addition to the amount provided for by this ordinance; and any person or persons, partnership or corporation, who shall, after the 28th day of February of each year, drive or cause to be driven on any of the streets of the City of Indianapolis any unlicensed vehicles which, under this ordinance, requires a license, or who shall violate any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall, in addition to all other penalties and requirements, be fined in a sum not less than twice the amount of said license and penalty and costs.

SEC. 10. The owners of vehicles covered by the terms of this ordinance, shall, before obtaining a license as herein provided, be required to make an affidavit before the City Treasurer, in which shall be set forth a full description of the kind and character of vehicle for which a license is desired, the name of the owner and the use to which such vehicle is to be put, which affidavit shall be signed and sworn to by said owner and endorsed on the back of the receipt, which shall be duly issued to said owner by the City Treasurer upon the payment of the license fee required by said ordinance. But it shall be unlawful to charge said owner so making said affidavit any notary or other fee except the one expressly named in the ordinance itself. Thereupon it shall be the duty of the City Comptroller, without further charge, to deliver, upon the presentation and surrender to him of said City Treasurer's receipt, to said owner a license covering the period for which payment has been made, which license shall be signed by the Mayor and issued and countersigned by the City Comptroller. All licenses provided for in this ordinance shall be issued for one year and shall be dated on the first day of January of each year: *Provided*, That any owner who shall come into possession of any such vehicle, upon which no license has been paid, between the first day of January of any one year and the first day of January of the next succeeding year, shall be only required to pay a fee in proportion to the unexpired part of the year to be covered: *And provided further*, That if the owner of any licensed vehicle part ownership therewith, the license issued to him shall be no protection to the firm, company or individual to whom it is sold, unless the same shall have been duly transferred on the books of the City Comptroller. But it shall be the duty of said Comptroller, whenever any licensed vehicle shall have been sold, upon proper application, to transfer the license from the original owner to the purchaser by making the proper endorsement of such transfer upon the back of the original license and making a note thereof in a column intended for such purpose on the record book of such licenses to be kept by him. No fee shall be exacted by the City Comptroller for such transfer. All licenses so issued by the City Comptroller shall be duly recorded and kept by him in a record book properly prepared for such use, in which shall be entered in serial number the issuance of all vehicle licenses, the kind of a vehicle licensed, the use to which it is to be put, the name and residence of its owner and the fee paid therefor, as shown by the receipt of the City Treasurer.

SEC. 11. The provisions of this ordinance shall not be construed to amend, modify, or repeal the provisions of G. O. No. —, 1892, entitled "An ordinance prohibiting traction and other engines from being propelled over and along certain streets of Indianapolis, and providing a penalty for the violation thereof."

SEC. 12. This ordinance shall take effect and be in force from and after its passage and publication once each week, for two consecutive weeks, in *The Indianapolis Sentinel*, a daily newspaper of general circulation, printed and published in the City of Indianapolis, county of Marion, State of Indiana.

Read first time and referred to the Committee on Sewers, Streets and Alleys.

By Mr. Young :

G. O. No. 62, 1893. An ordinance to amend Section 13 of G. O. No. 27, 1886, the same being an ordinance regulating the licensing of peddlers in the City of Indianapolis, ordained and established June 14, 1886: repealing conflicting ordinances, providing for publication, and fixing the time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, That Section 13 of G. O. No. 27, 1886, the same being an ordinance regulating the licensing of peddlers in the City of Indianapolis, ordained and established June 14, 1886, be amended to read as follows:

“Sec. 13. It shall be unlawful for any person, firm or corporation to sell any goods, wares or merchandise of any nature whatsoever by stationing himself, or itself, upon any street, alley or public place in the City of Indianapolis.”

SEC. 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SEC. 3. This ordinance shall be in full force and effect from and after its passage and publication once each week for two consecutive weeks in *The Indianapolis Sentinel*, a daily newspaper printed and published in the City of Indianapolis.

Which was read the first time and referred to the Committee on Sewers, Streets and Alleys.

By Mr. Ryan :

G. O. No. 57, 1893. An ordinance to establish stands for express wagons; regulating the use of the same; providing a penalty for the violation thereof; repealing conflicting ordinances; providing for the publication of the same, and fixing the time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That stands for express wagons be established in the following places, to-wit :

1. Along the center line of Missouri street, beginning at a point ten feet north of the sidewalk along the north side of Washington street, extending north to a point within ten feet of the sidewalk along the south side of Market street; also along the center line of Missouri street, beginning at a point ten feet south of the sidewalk along the south side of Washington street, extending south to a point ten feet north of the sidewalk along the north side of Maryland street.

2. On the north side of Maryland street, from a point commencing ten feet east of the sidewalk along the east side of Delaware street, extending east to a point within ten feet of the sidewalk along the west side of Alabama street; on the west side of Alabama street, from a point commencing ten feet north of the north sidewalk along Washington street, extending north to a point within ten feet of the sidewalk along the south side of Market street.

Provided, however, That in the use of the places above mentioned, express wagons or the teams attached thereto shall not be allowed to stand closer than within ten feet of each other, nor shall the expressmen, or men who are the owners, or drivers, or in charge of such express wagons, be allowed to congregate in one place, nor shall more than two of such persons be or remain with each wagon.

SEC. 2. It shall be unlawful for any person to stand an express wagon at any other place in said city than at the above described stands, unless such person is standing at such place pursuant to an order already had to deliver or receive goods.

SEC. 3. It shall be unlawful for any person occupying any part of such stands to allow manure or other filth to accumulate at the place or places so occupied by such person, but it shall be the duty of such person to keep such part of any such stand at all times clean and free from offal or filth of every description. The Board of Health of said city shall have power to order any person using said stands or any part thereof to clean the same, and it shall be the duty of the person so notified to immediately obey said notice. It shall be the further duty of any such person so occupying any part of said stand to remove away from the same whenever requested so to do by any person who shall desire to occupy the same temporarily for the purpose of delivering or receiving any persons or merchandise.

SEC. 4. It shall be unlawful for any person occupying any of the stands designated in Section 1 of this ordinance to congregate in one place, or to use loud, profane, boisterous or obscene language, or to obstruct or blockade any sidewalk, or to leave their express wagon for the purpose of soliciting trade a greater distance than ten feet.

SEC. 5. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be fined in any sum not exceeding twenty-five dollars, to which may be added imprisonment for a period not exceeding thirty days.

SEC. 6. All ordinances or parts of ordinances, in conflict herewith, are hereby repealed.

SEC. 7. This ordinance shall be in full force and effect from and after its passage and publication one day each week for two consecutive weeks in *The Indianapolis Sentinel*, a daily newspaper printed and published in said city.

Read first time and referred to the Committee on Sewers, Streets and Alleys.

By Mr. Young:

G. O. No. 64, 1893. An ordinance governing the conduct of boot-blacks and newsboys in the City of Indianapolis, providing a penalty for the violation thereof, and providing for the publication of the same.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That it shall be unlawful for boot-blacks or newsboys to congregate upon any sidewalk, street, alley, or public place of the City of Indianapolis (except for the purpose of obtaining newspapers at any newspaper office), or to engage in scuffling, wrestling, swinging boxes, or be guilty of any other boisterous or violent conduct at said places in such manner as to interfere with or annoy the owners or occupants of premises adjacent thereto, or any passers-by.

SEC. 2. Any person violating the provisions of this ordinance shall, upon conviction thereof, be fined in any sum not to exceed ten dollars.

SEC. 3. This ordinance shall be in full force and effect from and after its passage and publication one day each week for two consecutive weeks in *The Indianapolis Sentinel*, a daily newspaper printed and published in the City of Indianapolis.

Read first time and referred to Committee on Public Morals.

By Mr. Young:

G. O. No. 65, 1893. An ordinance designating the license fee to be paid to the City of Indianapolis by distilleries and breweries, and the depots or agencies in said city of all breweries and distilleries, and all wholesale dealers in malt liquors in said city; providing a penalty for the violation thereof; repealing conflicting ordinances; providing for the publication of the same, and fixing the time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, That hereafter every person, or persons, firm, corporation or company carrying on a distilling or brewing business within said City of Indianapolis, and all depots or agencies established in said city, and all breweries and distilleries, and all wholesale dealers in malt liquor, shall, before they are permitted to carry on their said business, pay to the City of Indianapolis, Indiana, one thousand (1,000) dollars, which said sum of one thousand (1,000) dollars shall be the annual city license fee to be charged. On payment of said sum of one thousand (1,000) dollars, the applicant for such license shall present the receipt thereof to the City Comptroller of said city, and such Comptroller shall, thereupon, issue to such applicant a license to carry on and conduct such distilling or brewing business, or such depot or agency, or such wholesale dealing in malt liquor, as the case may be, for one year from such time, which license shall be signed by the Mayor of said city.

SEC. 2. Said City Comptroller shall keep a register of the names of every person, or persons, firm, company, corporation, depot, agency or dealer, receiving from said city such license, with the date when issued and the expiration of the same, for which services a Comptroller's fee of one (1) dollar shall be paid by the person receiving such license.

SEC. 3. Any person, or persons, firm, company or corporation carrying on a distilling or brewing business in said city, or the owners or managers of the depots or agencies of any brewing or distilling business, or any wholesale dealer or dealers in malt liquor, or any person or persons engaged in the wholesale business of bottling, or bottling and vending bottled beer, who shall violate any of the provisions of this ordinance shall, upon conviction, be fined in any sum not exceeding one hundred (100) dollars, and each day's continuation in violation of this ordinance shall constitute a separate offense.

SEC. 4. All ordinances or parts of ordinances, in conflict herewith, are hereby repealed.

SEC. 5. This ordinance shall take effect and be in force from and after its passage and publication one day each week for two successive weeks in *The Indianapolis Sentinel*, a daily newspaper of general circulation printed and published in the City of Indianapolis, Marion county, Indiana.

Read first time and referred to the Committee on Finance.

By President Cooper :

G. O. No. 66, 1893. An ordinance requiring the Cleveland, Cincinnati, Chicago & St. Louis Railway Company to station and maintain a flagman at First street, at said company's tracks in the City of Indianapolis, Indiana.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the Cleveland, Cincinnati, Chicago & St. Louis Railway Company is hereby required to station and maintain a flagman at said company's tracks on First street, in the City of Indianapolis, Indiana, the same to be done within ten days from the date of the passage of this ordinance. Said flagman shall be a man over the age of twenty-one (21) years, and his duties shall be to warn all persons on foot or in vehicles of the approach of all trains on the tracks of said railway company at said crossing, between the hours of seven (7) o'clock A. M. and six (6) o'clock P. M. of each and every day except Sundays. Said company is required to provide said flagman with a red flag for use in the daylight and a red lantern for use at night. Every day said railway company shall fail or refuse to comply with all the provisions of this ordinance, it shall be liable to a fine not exceeding five (5) dollars on complaint of any citizen before the Police Judge of the City of Indianapolis, Indiana; and each day's failure on the part of said railway company to comply with all the provisions of this ordinance shall be a separate offense.

SEC. 2. This ordinance shall take effect and be in force from and after its passage and publication one day each week for two consecutive weeks in *The Indianapolis Sentinel*, a daily newspaper of general circulation printed and published in the City of Indianapolis, Marion county, Indiana.

Which was read and referred to the Committee on Railroads.

By Board of Public Works :

G. O. No. 67. An ordinance approving a certain contract, granting the Cleveland, Cincinnati, Chicago & St. Louis Railway Company the right to lay and maintain certain switches, or side tracks, across Dillon street, Lord street, Leota street, State street and English avenue, in the City of Indianapolis, Indiana.

WHEREAS, Heretofore, to-wit: October 23, 1893, the Board of Public Works of the City of Indianapolis, Indiana, made and entered into a certain contract with the Cleveland, Cincinnati, Chicago & St. Louis Railway Company, which contract is as follows :

WHEREAS, Heretofore, to-wit: On the 20th day of October, 1893, the Cleveland, Cincinnati, Chicago & St. Louis Railway Company filed their petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

INDIANAPOLIS, IND., October 20, 1893.

To the Board of Public Works of the City of Indianapolis:

The undersigned, the Cleveland, Cincinnati, Chicago & St. Louis Railway Company, respectfully petition you for the making of a contract by and between the undersigned and the City of Indianapolis, providing for a right of way for the laying of certain switches, or side-tracks, to cross streets and avenues, described as follows: Tracks "J," "I," "H," (new tracks), to cross Dillon street, between Lord street and Bates street. Track "G" (old track—slightly shifted), to cross Dillon street, between Lord street and Bates street. Track "F" (new track), to cross the intersection of Lord street and Dillon street, on a 14 degree curve. Tracks "B," "C" and "E" (new tracks), to cross Leota street, between Deloss street and Bates street. Track "D" (old track), slightly shifted, to cross Leota street, between Deloss street and Bates street. Track "A" (new track), to cross English avenue and State street, all in accordance with the drawings herewith submitted, attached hereto, filed herewith, and for greater certainty marked "Exhibit A."

Your petitioner prays that the privilege and authority herein requested shall be granted upon such terms and conditions as may hereafter be agreed upon by contract.

Very respectfully,

THE CLEVELAND, CINCINNATI, CHICAGO & ST. LOUIS RAILWAY COMPANY,
By J. Q. VANWINKLE,
General Superintendent.

Now, therefore, this agreement made and entered into this October 23, 1893, by and between the Cleveland, Cincinnati, Chicago & St. Louis Railway Company, party of the first part, and the City of Indianapolis, State of Indiana, by and through its Board of Public Works, party of the second part;

WITNESSETH: That said party of the first part being desirous of securing a right of way for certain switches, or side-tracks, over and across Dillon street, Lord street, Leota street, State street and English avenue, in the City of Indianapolis, hereby covenant, agree and fully bind themselves, their successors, legal representatives and assigns that, in consideration of the granting of the privileges and authority herein given, they will lay, construct and maintain said switches, or side-tracks, upon the terms and conditions hereinafter set forth, viz:

1st. They shall be so laid, improved and kept in repair as to be safe for persons on foot, in vehicles, or otherwise, and shall at all times be subject to the orders and control of the Board of Public Works of the City of Indianapolis.

2d. Said switches, or side-tracks, shall be laid on such grade as shall be established by said Board and shall be put down under its supervision and to its satisfaction and approval. Said side-tracks or switches shall be raised or lowered to conform to any grade which may, from time to time, be hereafter established whenever so ordered in writing by said Board.

3d. The crossings where said side-tracks, or switches, intersect the above-named streets and avenue shall, at all times, be kept improved, by planking, or otherwise, as the said Board of Public Works may direct. Unless otherwise directed by said Board, the party of the first part shall properly plank between the rails of all switches, or side-tracks, herein authorized to be laid; shall also properly plank the roadway of Dillon street between tracks "I" and "H" and tracks "H" and "G;" also plank the roadway of Leota street between tracks "C" and "D;" the roadway of said Leota street, between track "E" and the next parallel track lying north, and shall plank the roadway of State street and English avenue, between track "A" and the next adjoining track on the north. All said switches, or side-tracks, shall be kept in repair and free from defects or obstructions of any kind. No car or cars shall be permitted to obstruct such crossings or to be thereon except for such time as may be absolutely necessary in moving them back and forth, but they shall, at no time, be stopped or detained thereon in such a manner as to obstruct public travel.

4th. Said party of the first part agrees, at the pleasure and written order of said Board, to take up and remove said side-tracks or switches, and upon its failure so to do, upon such notification, in writing, of ten days, to promptly pay the cost of having the same done. And said party of the first part hereby releases all claim for damages whatsoever that may arise by reason of such removal, and said Board, or said city, in removing said side-tracks, or switches, or in causing the same to be done, shall, in no wise, be or become a trespasser.

5th. In case the said side-tracks, or switches, shall be or become out of repair or in need of being reconstructed or become in any way defective (of which facts the said Board shall be the exclusive judge), it shall be the duty of the said party of the first part to promptly repair or improve the same, and failing in which - after a notification, in writing, of ten days - said Board shall do or cause the same to be done at the expense of said party of the first part, and for which expense and cost said party of the first part shall be liable.

6th. The said party of the first part hereby binds itself to hold the said party of the second part harmless from any and all claims for damages growing out of the existence, maintenance or use of said side-tracks or switches, and to pay any judgment, with costs, that may be, on that account, rendered against it or said city.

7th. Any violation of any provision of this instrument by said party of the first part, or by any one for it or at its instance or permission, shall operate as an immediate and absolute forfeiture of all the privileges and authority granted or given by this contract, provided, however, the same may be terminated, without cause, at the pleasure of said Board as hereinbefore set forth in clause four.

The said party of the second part, by virtue of an act of the General Assembly of the State of Indiana, entitled "An act concerning the incorporation and government of cities having more than one hundred thousand population according to the last preceding United States census, and matters connected therewith and declaring an emergency," approved March 6, 1891, and in consideration of the things hereinbefore set forth, and upon the terms and conditions of the things herein stipulated, hereby gives, grants and duly vests said party of the first part, the right, privilege and authority to lay and maintain the switches or side-tracks hereinbefore described in the petition of said first party and as shown by the drawings attached and made part thereof and marked "Exhibit A."

In witness whereof, we have hereunto set our hands this October 23, 1893.

THE CLEVELAND, CINCINNATI, CHICAGO & ST. LOUIS RAILWAY COMPANY,
By J. Q. VANWINKLE,
General Superintendent,
Party of First Part.

THE CITY OF INDIANAPOLIS,
By A. W. CONDUIT,
J. A. WILDMAN,
A. KRAMER,
Board of Public Works,
Party of Second Part.

WHEREAS, Said contract has been submitted by said Board to the Common Council of the City of Indianapolis, for its consideration and action. Now, therefore;

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That said contract, above set forth, be and the same is hereby, in all things, confirmed and approved.

SEC. 2. This ordinance shall take effect and be in force from and after its passage.

Read first time and referred to the Committee on Railroads.

MISCELLANEOUS BUSINESS.

Mr. Rauh offered the following:

DEPARTMENT OF FINANCE.
OFFICE OF CITY COMPTROLLER,
INDIANAPOLIS, IND., November 6, 1893. }

To the President and Members of the Common Council:

GENTLEMEN—I am in receipt of the following communication from the Board of Public Works:

INDIANAPOLIS, IND., November 6, 1883.

P. C. Trusler, City Comptroller:

DEAR SIR—The Board finds that it is necessary to have permanently in this office additional clerical help. We therefore ask you to recommend to the Council an appropriation of \$900 to be used for this purpose.

Very respectfully,

A. W. CONDUITT,
J. A. WILDMAN,
A. KRAMER,
Board of Public Works.

The Board of Public Works have been paying a clerk regularly for several months out of the fund appropriated for incidental expenses of the Board. I have refused to allow the claim and referred the matter to the City Attorney, as in my opinion it was not the intention of the Common Council to have this fund so used. In order that this matter may come before you for action, as contemplated by section 50 of the city charter, I recommend that the amount be appropriated.

Respectfully,

P. C. TRUSLER,
City Comptroller.

Which was read and referred to the Committee on Finance.

Mr. Young offered the following resolution:

Resolved, That a special committee of three be appointed by the President who shall obtain from the heads of the different departments an itemized list of the salary accounts of said departments, with the names of the various employes and the amount of salary paid to each; and the said committee be instructed to prepare an ordinance fixing the salaries of all city employes, where the same are not already fixed by ordinance or otherwise.

Which was passed by the following vote:

AYES 20—viz: Messrs. Allen, Colter, Costello, Drew, Hennessy, Kaiser, Koehring, Krauss, Magel, Murphy, O'Brien, Puryear, Rauh, Ryan, Schmid, Shaffer, Stein, Stott, Young and President Cooper.

NAYS—None.

Thereupon President Cooper appointed the following named members on the aforesaid committee: Messrs. Young, Krauss and Costello.

Mr. Ryan moved that a committee of five be appointed by the President for the purpose of considering ways and means whereby the unemployed labor of the city could be employed.

Which motion was adopted.

Therenpon President Cooper appointed the following named members on said committee: Messrs. Stott, Costello, Krauss, Ryan and Drew.

Mr. Koehring offered the following resolution :

Resolved, by the Common Council of the City of Indianapolis, That the City Comptroller furnish to the members of the Common Council an itemized statement of the total indebtedness of the City of Indianapolis on November 1, 1893, including all outstanding bonds, loans, etc., stating interest on each and time due; also the statement of the estimated revenues for the coming year and when available.

Which was passed by the following vote:

AYES 19—viz: Messrs. Allen, Colter, Drew, Hennessy, Kaiser, Koehring, Krauss, Magel, Murphy, O'Brien, Puryear, Rauh, Ryan, Schmid, Shaffer, Stein, Stott, Young and President Cooper.

NAYS 1—viz: Mr. Costello.

ORDINANCES ON SECOND READING.

On motion of Mr. Allen, the following entitled ordinance was taken up and read a second time:

G. O. No. 54, 1893. An ordinance annexing certain platted territory to the City of Indianapolis.

Mr. Young moved to amend Section 2 by striking out the word "Journal" and inserting in lieu thereof the word "Sentinel."

Which motion was adopted.

Mr. Allen moved that G. O. No. 54, 1893, be read the third time and placed on its final passage.

Which motion was adopted.

Thereupon G. O. No. 54, 1893, was read the third time and passed by the following vote:

AYES 17—viz: Messrs. Allen, Costello, Drew, Hennessy, Kaiser, Koehring, Krauss, Magel, Murphy, Puryear, Rauh, Schmid, Shaffer, Stein, Stott, Young and President Cooper.

NAYS 3—viz: Messrs. Colter, O'Brien and Ryan.

On motion of Mr. Colter, the Common Council, at 9 o'clock P. M. adjourned.

ATTEST:

Lee Nixon
City Clerk.

W. H. Cooper
President.